



Appeal Decision

Site visit made on 14 February 2023

by L Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 March 2023

Appeal Ref: APP/M0655/W/22/3304947

16 Echo Grove, Great Sankey, Warrington WA5 3ZA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Carina Leung against Warrington Borough Council.
 - The application Ref 2022/41491, is dated 28 April 2022.
 - The development proposed is a fence realignment.
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Decision

1. The appeal is allowed and planning permission is granted for a fence realignment at 16 Echo Grove, Warrington, WA5 3ZA, in accordance with the terms of the application, Ref 2022/41491, dated 28 April 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan L1 Rev A, and Proposed Plan Rev D.
 - 3) The materials to be used in the development shall be as identified on the approved plans, and shall be retained for the duration of the development.

Applications for costs

2. An application for an award of costs was made by Carina Leung against Warrington Borough Council. This is the subject of a separate Decision.

Preliminary Matters

3. The Council has clarified that the application would have been allowed if a decision had been made, and provides its reasoning and suggested conditions.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal property is a semi-detached dwelling with a fenced rear garden. A narrow grass strip and parking spaces lie adjacent to one of its side fences. The site is part of a recent housing development, which displays a cohesive overall character of dwelling design, materials, and boundary treatments.

6. The appeal proposal is to remove the current side garden fence and erect a new fence slightly further out, to incorporate most of the grassed strip into the garden. The new fence would match the height and materials of that existing, which also matches the fencing around the other nearby properties.
7. The proposed change would be minor, and so would not be especially noticeable in the streetscene, especially due to its location by parking spaces off a turning head. Some of the grass strip would be retained outside the fence, which would visually balance that on the opposite side of the parking spaces. The proposed fence would match the materials and height of the other fencing in the surrounding vistas, and so would not affect the area's overall character.
8. In conclusion therefore, the proposed development would not cause harm to the character and appearance of the area. It would comply with policies QE6 and QE7 of the Warrington Local Plan Core Strategy (2014), including its requirements for developments to ensure a high quality place, harmonise with adjacent scale and materials, and to not have an unacceptable impact on the surrounding area. The proposal would also comply with guidance relating to fences and boundary treatments at Sections 2.3.5 and 2.6.7 of the Council's House Extensions Supplementary Planning Document (SPD) (2021), and its overall principles for development to be of good quality design and to not adversely affect the surrounding character.

Other Matters

9. I note the neighbour objections which relate to increased noise due to increased proximity of the garden, impact on views and natural light, and an increased sense of enclosure. However, I find that compared to the use of the dwelling's current garden and the surrounding fencing and parking arrangements, the minor amendment to the fenceline would not cause any undue harm regarding these matters. The Council has similarly not identified any issues in this regard.
10. I also note the objections that the plot boundaries were known prior to the site purchase, but this is not a matter which affects the planning merits of the case. Any proposal to build on the new garden land would be subject to gaining the necessary relevant consent at that time.

Conditions

11. I have attached the statutory condition to limit the lifespan of the planning permission, and one to specify the approved plans to provide clarity for the terms of the permission. Subject to slight amendment to reflect paragraph 56 of the National Planning Policy Framework (2021) and the Planning Practice Guidance, I have also imposed the Council's suggested condition requiring specific compliance with the fencing materials specified on the plan, in order to maintain the appearance of the area. I find the suggested informative to restrict the hours of works is not necessary for such a small scale proposal.
12. The Council has identified that the ground has the potential for contamination including from ground gas. The appellant is therefore advised that adequate precautions should be taken during construction, and any contamination or coal mining feature encountered during works should be reported immediately to the Local Planning Authority, and works halted.

Conclusion

13. For the reasons given above, and having regard to all other matters raised, I conclude that the development accords with the development plan taken as a whole, and therefore the appeal is allowed.

L Hughes

INSPECTOR